

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 470

AN ACT

To repeal section 195.417, and to enact in lieu thereof two new sections relating to products used to produce methamphetamine, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 195.417, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections  
3 195.417, and 577.075, to read as follows:

4 195.417. 1. No person shall deliver in any single  
5 over-the-counter sale more than [three]:

6 (1) Two packages or any number of packages that contain a  
7 combined total of no more than six grams, of any [methamphetamine  
8 precursor drug or any combination of methamphetamine precursor  
9 drugs.

10 2.] drug containing a sole active ingredient of ephedrine,  
11 pseudoephedrine, phenylpropanolamine, or any of their salts,  
12 optical isomers, or salts of optical isomers; or

13 (2) Two packages of any combination drug containing, as one  
14 of its active ingredients, ephedrine, pseudoephedrine,

1 phenylpropanolamine, or any of their salts, optical isomers, or  
2 salts of optical isomers, or any number of packages of said  
3 combination drug that contain a combined total of no more than  
4 six grams of ephedrine, pseudoephedrine, phenylpropanolamine, or  
5 any of their salts, optical isomers, or salts of optical isomers.

6 2. All packages of any drug having a sole active ingredient  
7 of ephedrine, pseudoephedrine, phenylpropanolamine, or any of  
8 their salts, optical isomers, or salts of optical isomers, shall  
9 be displayed and offered for sale only behind a checkout counter  
10 where the public is not permitted, or within fifteen feet and an  
11 unobstructed view of an attended checkout counter. This  
12 subsection shall not apply to any retailer utilizing an  
13 electronic anti-theft system that utilizes a product tag and  
14 detection alarm which specifically prevents the theft of such  
15 drugs from the place of business where such drugs are sold.

16 3. This section shall supersede any municipal ordinances or  
17 regulations passed on or after December 23, 2002, to the extent  
18 that such ordinances or regulations are more restrictive than the  
19 provisions of this section. This section shall not apply to any  
20 product labeled pursuant to federal regulation for use only in  
21 children under twelve years of age, or to any products that the  
22 state department of health and senior services, upon application  
23 of a manufacturer, exempts by rule from this section because the  
24 product has been formulated in such a way as to effectively  
25 prevent the conversion of the active ingredient into  
26 methamphetamine, or its salts or precursors or to the sale of any  
27 animal feed products containing ephedrine or any naturally  
28 occurring or herbal ephedra or extract of ephedra.

1           [3.] 4. Any person who is considered the general owner or  
2 operator of the outlet where ephedrine, pseudoephedrine, or  
3 phenylpropanolamine products are available for sale who violates  
4 subsection 1 of this section shall not be penalized pursuant to  
5 this section if such person documents that an employee training  
6 program was in place to provide the employee with information on  
7 the state and federal regulations regarding ephedrine,  
8 pseudoephedrine, or phenylpropanolamine.

9           [4.] 5. Any person who knowingly or recklessly violates  
10 this section is guilty of a class A misdemeanor.

11           577.075. 1. It shall be unlawful for any person not the  
12 owner or not in lawful control of an approved container of  
13 anhydrous ammonia to release or allow the escape of anhydrous  
14 ammonia into the atmosphere.

15           2. Unlawful release of anhydrous ammonia is a class B  
16 felony, unless such release causes death of a human being or  
17 causes serious physical injury to any person in which case it is  
18 a class A felony.